NWT
Plain Talk
On Land and Self-government
Canada
April 2000

Welcome... to the first issue of *Plain Talk*

Land claims, self-government, devolution. These are all things that we hear about every day in the north. We know they're important themes of government, business, and Aboriginal leaders planning for the future in the north. But what does it all mean to you and me?

Plain Talk on *Land and Self-government* is produced by the Government of Canada to help northerners understand these concepts, how they work, and what they mean in our day-to-day lives. Northerners need to know what has been accomplished so far through land and self-government negotiations, and what the future holds. Look to *Plain Talk* for up-to-date information on these issues that are so important and pivotal to the future of the north.

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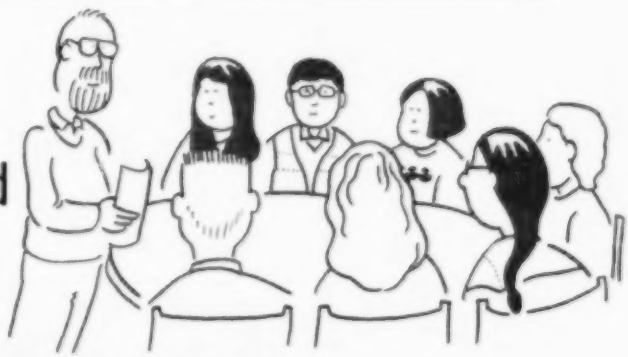

Land and self-government negotiations are not the same, but since 1996, the two have often been negotiated together.

Land negotiations

Aboriginal people have always had a special relationship with both the land they lived on and the natural resources that sustained them. They consider this relationship to be an integral part of their culture and identity. Recognition of this relationship through treaties is a primary goal of Aboriginal peoples. The fair resolution of comprehensive land claims through treaty-making is a priority of the Government of Canada. The nature and extent of Aboriginal rights to lands and resources must be set out to provide certainty for all Canadians.

The negotiation process

Negotiations usually involve three parties: the Government of Canada, the Government of the NWT, and the Aboriginal group making a claim. Each negotiation is unique, and reflects the needs, desires, and processes of those at the table. However, most negotiations proceed through several distinct stages.

Submission of claim: The Aboriginal group prepares a description of its claim that identifies the general geographic area of its traditional territory.

Acceptance of claim: The Government of Canada reviews the claim and advises the Aboriginal group whether Canada is prepared to open negotiations. If the answer is no, reasons are provided in writing. If the answer is yes, the claim is accepted, and the process proceeds to the next step.

Framework Agreement: At the first stage of negotiation, the groups involved agree on issues to be discussed, how they will be discussed, and on deadlines for reaching an Agreement-in-Principle.

Agreement-in-Principle: This is the stage that the parties negotiate the issues set out in the Framework Agreement. Reaching an Agreement-in-Principle (commonly called an "AIP") often takes longer than any other stage in the negotiation process. The AIP should contain all the major elements of the eventual Final Agreement.

Final Agreement: A Final Agreement is the outcome of successful land claim and self-government negotiations. It details agreements reached between the Aboriginal group, the NWT and Canada on all issues at hand, including resources, self-government, financial benefits, and land ownership. A Final Agreement must be ratified by all parties.

Implementation: A process is put in place, to ensure that what the parties agreed to, is, in fact, done. The implementation plan is monitored and managed by a tripartite committee.

Settled land claims in the NWT

Gwich'in

Final Agreement signed:
April 1992, effective December 1992

Land settlement:
16,264 square kilometres of land in the NWT, of which 4,299 includes mineral rights
1,554 square kilometres of land in the Yukon

For more information:
Gwich'in Tribal Council
P.O. Box 1509, Inuvik, NT X0E 0T0
Phone: (867) 777-4869
Fax: (867) 777-4538

Ongoing negotiations and processes:

- Akaitcho Treaty 8 Land, Resources, and Self-government Negotiations
- Beaufort Delta/Inuvialuit & Gwich'in Self-government Negotiations
- Deh Cho Process
- Déline Community Self-government Negotiations
- Dogrib Comprehensive Land and Self-government Negotiations
- Salt River Treaty Land Entitlement Process
- South Slave Metis Tribal Council Land and Resources Negotiations

Sahtu

Final Agreement signed:
September 1993, effective June 1994

Land settlement:
41,537 square kilometres of land, of which 1,813 includes mineral rights

For more information:
Sahtu Secretariat Inc.
P.O. Box 155, Deline, NT X0E 0G0
Phone: (867) 589-4719
Fax: (867) 589-4908

Inuvialuit

Final Agreement signed:
June 1984, effective July 1984

Land settlement:
91,000 square kilometres of land, of which 13,900 includes mineral rights

For more information:
Inuvialuit Regional Corporation
P.O. Box 2120 Inuvik, NT X0E 0T0
Phone: (867) 777-2737
Fax: (867) 777-2135
Email: info@irc.inuvialuit.com
www.irc.inuvialuit.com

The map boundaries show settlement areas for the Inuvialuit, Sahtu and Gwich'in. An Aboriginal settlement area and Aboriginal owned lands are not the same. Each Aboriginal group owns specific lands within the agreed upon settlement area as outlined in its negotiated land claim agreement.

Comprehensive land claim negotiations are aimed at resolving Aboriginal rights to land and resources. They address concerns raised by Aboriginal peoples, governments and third parties about who has the legal right to own or use lands and resources in areas under claim. They deal with Aboriginal rights that have not been dealt with by treaty or other legal means.

The Dene in the Northwest Territories signed Treaties 8 and 11 with the Government of Canada in the early 1900s. However, land provisions in these historical treaties were not implemented. So, in 1974, the Government of Canada agreed to resolve land issues through modern-day treaty-making, also called land, or comprehensive, claims negotiations. In 1986, the federal government announced a new comprehensive claims policy, and its intention to negotiate and clarify Aboriginal rights to lands and resources. In addition, negotiations strive to promote Aboriginal groups' economic growth and self-sufficiency. Resolving the nature and extent of Aboriginal rights to lands and resources will provide certainty for all Canadians.

Self-government

Under the Government of Canada's Inherent Right Policy, self-government arrangements may be negotiated with comprehensive land claims. The issue of self-government often arises in the course of land negotiations.

Before British colonization, Aboriginal peoples developed systems of government which reflected their cultures and spiritual beliefs, as well as their economic, social, and geographic circumstances. Colonial governments introduced laws and policies to try to integrate Aboriginal peoples into non-Aboriginal society. As a result, the authority and functions of traditional Aboriginal government were eroded.

In 1995, the Government of Canada announced its Inherent Right Policy. In this policy, the Government recognizes self-government as an existing Aboriginal right in the Constitution.

Self-government gives Aboriginal communities the tools they need to make a tangible, positive difference in the lives of Aboriginal people. Through self-government negotiations, Aboriginal groups can negotiate arrangements that reflect and protect their needs, cultures and values - for example for health care, child welfare, education, housing, and economic development.

profile

John Gill

Newly appointed Chief Federal Negotiator for Akaitcho Treaty 8 talks

On January 18, the Minister of Indian Affairs and Northern Development (DIAND), Robert Nault, announced the appointment of John Gill as the Chief Federal Negotiator for the negotiations with the Akaitcho Treaty 8 Dene.

John Gill is an Edmonton-based lawyer with experience in Aboriginal law, mediation and arbitration - experience that is excellent preparation for the challenges he will face in negotiations. He has represented Aboriginal organizations at the Supreme Court of Canada on the Oldman Dam case and has appeared in front of the Court of Queen's Bench and Federal Court on Aboriginal and environmental issues. Mr. Gill is also a law professor at the University of Alberta. "The issues surrounding land claims and self-government are pivotal to the future of the north, and I am honoured and humbled to have been entrusted with work of this importance," notes Mr. Gill.

Mr. Gill will restart negotiations with the Akaitcho Treaty 8 Chiefs Felix Lockhart of Lutsel K'e, Don Balsillie of Deninu Ku'e, Peter Liske of Ndilo, and Richard Edjericon of Dettah, who represent approximately 2,000 Dene in these negotiations.

"I am looking forward to working with the Dene Chiefs and the territorial representatives to reach an agreement that benefits, not only the groups at the table, but all Canadians."

Who are you going to call?

Knowing who to call for the information you need can be difficult to figure out. Here we make it simple for you:

For more information on...
land and self-government negotiations in general
contact: Melissa Cousins,
Senior Communications Officer
tel: (867) 669-2579
email: cousinsm@inac.gc.ca

For more information on...
specific land and self-government negotiations and agreements
contact: Daniel Watson,
Director, Aboriginal & Territorial Relations
tel: (867) 669-2600
email: watsond@inac.gc.ca

Agreement-in-Principle reached with Dogrib

The Dogrib land and self-government negotiations came one step closer to successful resolution early this year. On January 7 in Rae-Edzo, representatives of the Government of Canada, Dogrib Treaty 11 Council, and the Government of the NWT signed an Agreement-in-Principle. The Agreement-in-Principle (AIP) is not a binding agreement. However it records the provisions negotiated on a number of issues, and sets the stage for the negotiation of the Final Agreement.

The AIP confirms that approximately 39,000 square kilometres of land, including subsurface resources, will be identified for the Dogrib First Nation; financial compensation of $90 million will be paid over a number of years; and the Dogrib will receive a share of resource royalties collected annually by the federal government from activities in the Mackenzie Valley. The AIP provides that the Dogrib First Nation government will have law-making authority primarily over Dogrib lands and Dogrib citizens.

"The Dogrib have worked for so many years to achieve an Agreement-in-Principle," noted the Honourable Ethel Blondin-Andrew, Secretary of State for Children and Youth and Member of Parliament for the Western Arctic, who signed the AIP on behalf of Minister of Indian Affairs and Northern Development, Robert Nault. "It has taken a long, hard struggle, many hours, many sacrifices and the end results are well deserved. This is substantial progress. Land claim settlements create a positive and stable climate for investment and self-government is the basis for creating stable, self-reliant Aboriginal governments that can participate in the economic growth of the NWT and Canada."

For more information on the Dogrib Treaty 11 AIP, contact:
Jean Yves Assiniwi, Chief Federal Negotiator (819) 827-2217

On the web

Visit the following web pages for more information:

For general information on Government of Canada programs and services, go to:
Government of Canada home page:
www.gc.ca

To find *Plain Talk* on the web in both English and French, go to:
DIAND home page:
www.inac.gc.ca/regions/nt/index.html

To see a copy of various claims agreements, go to:
DIAND page:
www.inac.gc.ca/subject/agree/

Q. How will settling land claims improve the economy?

A. Businesses prefer to invest where the future is certain. Settling land claims clarifies who owns and has rights to land and resources and creates certainty. Once claims are settled, businesses and investors will know who owns or may use an area's land and resources, and may be more willing to invest in the north. Defined, long-lasting agreements about legal rights to land and resources are in the interest of both Aboriginal and non-Aboriginal northerners.

Do you have a question about land or self-government negotiations in the NWT? We'd be happy to provide an answer. Contact us at the address listed below.

Plain Talk is produced to provide general information on topics related to land claims and self-government. It is not a legal document.

We welcome your input!

Please direct questions or comments to:

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